

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kim L'Esperance,

Civil No. 03-5022 (RHK/SRN)

Plaintiff,

v.

ORDER

Jo Anne B. Barnhart, Commissioner of
Social Security,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated February 14, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.¹

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 32) is **ADOPTED**;
2. Plaintiff's Motion for Attorney's Fees and Expenses (Doc. No. 24) pursuant to the EAJA, 28 U.S.C. § 2412(d), is **GRANTED**; and
3. The Government is ordered to pay Plaintiff's counsel \$3,637.80 in fees and costs.

Dated: March 6, 2006

s/Richard H. Kyle
RICHARD H. KYLE

¹ Defendant did not "object," but stated that her "defense in this case appears clearly reasonable and well founded in law and fact." If Defendant believes that, objections should have been interposed. In the future, such gratuitous commentary will be stricken.

United States District Judge